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REMARKS

Reconsideration of the present application is respectfully requested. It can first be noted that Applicants have amended paragraphs at pages 2, 10 and 13 of the specification, as well as claim 15, to correct minor grammatical errors.

An election requirement was issued with respect to claims in three groups. Applicants hereby elect, without traverse, the invention of Group I, including claims 1-24 directed to a dynamic stabilization system. Non-elected claims 25-30 have been cancelled without prejudice to consideration in a continuing application.

A restriction/election requirement was also issued with respect to four presumed species of Applicants' invention. Applicants elect the species of Figures 1-3, but traverse the restriction requirement with respect to Figure 4. Applicants do not traverse the species restriction with respect to Figures 5-9 and have withdrawn the claims associated with these species subject to allowance of a claim generic to all the purported species.

It was contended in the office action that no claim was generic to all of the purported species. However, it is believed that at least claim 1 is generic to the embodiments shown in Figures 1-9. Each of the embodiments includes a stabilization element (either a rod or a plate), at least two bone anchors (e.g., bone bolts) and at least two connectors for connecting a corresponding bone anchor to the stabilization element in which each connector includes a flexible element (bushing or sleeve) and an adjustment element (e.g., nut). In addition, it is further believed that at least claims 2, 6 and 7 are also generic to each of the purported species. Thus, upon allowance of any of these generic claims, Applicants are entitled to reinstatement of any claims directed to a non-elected species.

With respect to Applicants' traverse of the separate designation of Figures 1-3 and Figure 4, it can be pointed out that Figure 4 shows a flexible element 45

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that can be used instead of the flexible element 27 and set screws 42 in Figures 2-3. (See the discussion at page 13, paragraph 2 of the specification). The flexible element 45 fits within a modified bearing race and housing. Any prior art search for the connector construction using a circular flexible element as in Figures 2-3 would naturally encompass an oblong element as in Figure 4. It is therefore requested that the species designation be modified to include Figures 1, 2, 3 and 4.

It is believed that the following claims read on Applicants' elected species: claims 1-8 and claims 15-20. Consequently, Applicants have withdrawn claims 9-24 and 21-24 as reading on a non-elected species. Applicants request substantive review of claims 1-8 and 15-20 and action toward a Notice of Allowance.

Applicants also direct the Examiner's attention to the new correspondence address for the agent of record, as listed below.

Respectfully submitted,



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